

COUNTY COUNSEL			0000041
ADMINISTRATIVE MANUAL			
SUBJECT: INCOMPATIBLE ACTIVITIES - RULES FOR OFFICE OF COUNTY COUNSEL	Item Number	Page	
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Effective Date: October 6, 1998			

## I. Purpose

To set forth the rules for the Office of County Counsel which specify duties that are inconsistent and incompatible with duties as County employees.

## II. Procedure

- A. Incompatible Activities. Pursuant to Government Code sections 1125-1127 and Board of Supervisors' Resolution No. 41 of February 29, 1972, each appointing authority of the County of San Diego is required to formulate rules specifying those activities for compensation, outside of County duties, of the employees under the appointing authority's jurisdiction which are inconsistent and incompatible with their duties as County employees. In compliance with this resolution, the County Counsel has determined that the outside activities set forth in these rules are inimical to the functions and responsibilities of employees of this department and are therefore prohibited:
  1. Use of County Time or Facilities. Any outside activity which involves the use for private gain or advantage of County time or facilities, including but not limited to the following:
    - a. Any outside employment which results in receipt of telephone calls or visitors by the employee which he/she is on duty at his/her County employment.
    - b. Any outside activity which would interfere with the devotion of the full time and attention of the employee during business hours to the duties of the County Counsel's office.
    - c. The sale of publications or written materials that were prepared on County time or utilizing County facilities, equipment or materials.

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2. Use of Prestige or Influence. Any outside activity which involves the use for private gain or advantage of the prestige or influence of the individual's position as a Deputy County Counsel, or employee in the County Counsel's office, including but not limited to the following:
  - a. Directly or indirectly soliciting, seeking, or accepting personal loans, gifts, gratuities, business, compensation, or favors from business firms or their agents who deal with this office or its clients.
  - b. Using information not readily available to the general public, gained in the course of County employment, for private gain or advantage or the gain or advantage of another.
3. Receipt of Money or Other Consideration. Any outside activity which involves the receipt by the employee of money or other consideration from private parties for the performance of acts which the employee is expected to render in the regular course of the employee's duties as a County employee, including but not limited to the following:
  - a. Any consultation work for a fee concerning work of the County.
  - b. Any private practice of law, as prohibited by County Charter section 7.4.5.

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4. Conflict with Duties of Office. Any outside activity which is in conflict with the duties and responsibilities of the County Counsel's Office, including but not limited to the following:
- a. Any outside employment which will impair the employee's independence of judgment as to his/her County duties.
  - b. Any outside activity which will require or induce the employee to disclose confidential information acquired by the employee in the course of his/her County duties.
5. Outside Activities Subject to Review by Other Employees or Officers. Any work, service or counsel for compensation where any part of the employee's efforts may be subject to approval, review, control, or audit by another employee, officer, board or commission of the County of San Diego unless such activity is disclosed to and approved by the County Counsel.
6. Time Demands. Any outside activity which involves time demands which render the performance of the employee's County duties less efficient.
- B. No Private Law Practice. Pursuant to Section 704.5 of the Charter of the San Diego County, the County Counsel and his/her deputies shall not engage in any private law practice, and they shall devote all of their time and attention during business hours to the duties of their office and employment.
- C. Disclosure of Outside Activities. Employees of the County Counsel's Office shall disclose or report to the County Counsel in writing any outside employment or activity where any part of the employee's efforts will be subject to approval by any other officer, employee, board, or commission of the County or any district, body, or client which the County Counsel represents or advises.

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If any person employed in the County Counsel's Office receives an assignment of work that relates to any organization, property, or activity in which the employee or a member of the employee's immediate family has an interest, this interest shall be disclosed and reported in writing to the County Counsel.

If any person employed in the County Counsel's Office makes a presentation before any officer, board, or commission which the County Counsel represents or advises that relates to any organization, property, or activity in which the employee or a member of the employee's immediate family has an interest, this interest shall be disclosed and reported in writing to the County Counsel.

The Administrative Services Manager shall be responsible for seeing that at least every six months a written notice shall be given to all employees of the office reminding them of these rules and the requirement to file disclosure statements, including any modification of previously filed disclosure statements. In carrying out this duty, the Administrative Services Manager may use any notification program (that satisfies the six-month requirement) being carried out by the County Auditor.

### III. Violation of Rules is Grounds for Discipline.

1. Participation in any prohibited activity by any classified officer or employee or failure to properly disclose outside activities as required by these Rules, after proper notification of such prohibition or failure to disclose, may be cause for suspension, demotion, reprimand, transfer, or removal within the provisions of the Charter of the County of San Diego, and the Civil Service Rules. The provisions of Civil Service Rule VII as to notice and hearing shall be applicable to discipline imposed based on a determination that a classified officer or employee has engaged in any prohibited outside activity or has failed to properly disclose outside activities as required by these Rules.

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2. Any unclassified officer or employee may, upon determination of the County Counsel that he/she has engaged in a prohibited activity or failed to properly disclose any outside activity, request a hearing before the County Counsel or the County Counsel's designee, and such hearing shall be afforded to the unclassified employee within a reasonable time. Participation in any prohibited activity or failure to disclose outside activities as required by these Rules by any unclassified officer or employee may be cause for discipline or removal.

Authorized:

Approved and/or authorized by the Board  
of Supervisors of the County of San Diego  
Date: 11/10/98 Minute Order No. 42  
THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors  
By: [Signature]  
Deputy Clerk